

Washington County Growth and Conservation Act of 2006
Bill Summary

Title I – Land Disposal

This title, modeled after similar components in three Nevada public land laws, authorizes the disposal of certain BLM lands within the Washington County. These lands would be offered for sale at public auction or exchanged for non-federal land, including state trust lands, for not less than fair market value. The bill authorizes the Secretary to include covenants in the deeds of transfer, where appropriate, to prevent development on lands with potential conflicts. The bill uses a two-tier approach to land disposal, described below.

(1) Tier I – Tier I directs the Secretary of the Interior to dispose of approximately 4,300 pre-identified acres over a six-year period. Approximately 900 acres of pre-identified land would be directed for sale following the required clearances not later than one year after the date of enactment of the bill. All of this land has already been identified through the St. George BLM Field Office Resource Management Plan, along with other local surveys, as lands that should be made available for disposal. The Secretary is directed to hold annual sales and must dispose of all of the land by January 1, 2013.

(2) Tier II - Tier II authorizes the future selection and disposal of 20,000 acres within the County. These areas would be jointly selected from non-sensitive lands by Washington County, through the Washington Vision Quality Growth Planning Process, and the Secretary of the Interior. These sales would not begin until 2010, giving the planning process sufficient time to determine which lands should be disposed.

The funds derived from the sale of the lands would be allocated as detailed below, based on the Nevada models:

15% for non-federal public purposes, of which:

- 5% directed to the state trust fund for public education;
- 2% directed to the County for administrative costs, fire protection, flood control, and transportation; and
- 8% directed to the Washington County Water Conservancy District for water treatment, water conservation, and transmission facility infrastructure in the county.

85% for federal purposes, of which:

- Protection of the Red Cliffs National Conservation Area, designated by the Act, including the development of a management plan for the Conservation Area and any necessary amendments and mitigation necessary for the Washington County Habitat Conservation Plan.

- Continuing the purchase of non-federal lands within the Washington County Habitat Conservation Plan, designated in the bill as the Red Cliffs National Conservation Area. This is an existing obligation under the present HCP.
- Trail repair and reconstruction within Dixie National Forest.
- Other conservation projects, including parks, trails, and natural areas.
- Processing wilderness designation, including the costs of appropriate fencing, signage, public education, and enforcement for the wilderness areas designated.
- Establishing the High Desert Off-Highway Vehicle Trail, initiating the revision of the travel plan, and implementing a management plan.
- Processing of public land use authorizations and rights-of-way relating to the development of land conveyed under the Act.
- Reimbursement of costs incurred by the Utah State and St. George Office of the BLM for preparing the sale of land, including surveys, appraisals, and compliance with the NEPA.

Title II – Wilderness Areas

This title designates approximately 219,725 acres of land within Washington County to be added to the National Wilderness Preservation System. The designation includes 123,743 acres of land managed by the National Park Service within Zion National Park, all of which were recommended by the agency for designation under their General Management Plan. The bill also designates 93,340 acres of land managed by the Bureau of Land Management, and 2,642 acres of land managed by the U.S. Forest Service. This bill designates as Wilderness nearly 93% of all BLM wilderness study areas in the county.

Title III – Wild and Scenic River Designation

This title designates 165.5 miles of segments of the Virgin River that run across federal land within and adjacent to Zion National Park under the Wild and Scenic Rivers Act. *This would be the first designation in Utah history.* Utah is one of only a small handful of states, and the only western state, without a Wild and Scenic River designation. The designation would include language that ensures compatibility with the settlement agreement between the Washington County Water Conservancy District, Kane County Water Conservancy District, and the United States (on behalf of Zion NP). The landmark agreement ensures water flows for Zion NP and makes the Wild and Scenic designation possible.

Title IV – Utility Corridors

This language is based on the Nevada models. The bill ensures that identified utility corridors are open for right of way designations for the county and the Washington County Water Conservancy District. Of note, these corridors include the corridor for the Lake Powell pipeline, within the county. The title specifically states that before granting any rights-of-way the Secretary must comply with NEPA, including the identification of any potential impact to fish and wildlife resources and habitat. Additionally, unlike the

proposal, this bill does not identify a route for the Northern Corridor, but postpones designation pending further study.

Title V – High Desert Off-Highway Vehicle Trail

This title would provide for the identification of a system of trails to be designated as the High Desert Off-Highway Vehicle Trail. The title directs that within two years from the passage of the bill, the BLM update their field office travel plan to determine what existing trails to include in the system. Once these trails are identified and designated, the Secretary must complete a travel plan within two years.

The language directs an annual assessment, in consultation with the Utah Department of Natural Resources, of the trail's impact on wildlife, and provides the Secretary with management options to address adverse impacts. The Washington County bill is different from the NV bill in that it does not actually direct what the trails are going to be, as the Lincoln County bill does, but leaves that up to the BLM travel plan process, allowing for more extensive public involvement.

Title VI – Red Cliffs National Conservation Area

This title provides for the designation of the Red Cliffs National Conservation Area. It is patterned after the Red Rock National Conservation Area designation in the Nevada models. The NCA overlays the present preserve, and will be managed under the same habitat conservation plan. The lands sales in Title I of the legislation are expected to provide funding for continued acquisition of desert tortoise habitat within the habitat conservation plan area and to assist in the development and implementation of a management plan, including any necessary amendments to the Washington County Habitat Conservation Plan and mitigation beneficial to the desert tortoise.

Title VIII – Authorization of Appropriations

This title provides for the authorization of such sums as necessary to carry out the provisions of this Act.